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REMARKS

Re-examination and reconsideration of the subject matter identified in caption, pursuant to and consistent with 37 C.F.R. §1.116, and in light of the remarks which follow, are respectfully requested.

Claims 1-17 remain pending in this application with claims 11-17 being withdrawn from consideration on the merits.

Claims 1-7, 9 and 10 were finally rejected under 35 U.S.C. §103(a) as obvious over anyone of U.S. Patent No. 6,337,104 (Draxo) or U.S. Patent No. 6,759,116 (Edlund) in view of U.S. Patent No. 3,755,051 (Stumpf) for the reasons set forth in paragraph (5) of the Official Action. Claim 8 was finally rejected under 35 U.S.C. §103(a) as obvious over anyone of Draxo '104 or Edlund '116 in view of Stumpf '051 as applied to claims 1-7, 9 and 10, and further in view of U.S. Patent No. 6,267,151 (Moll) for the reasons discussed in paragraph (6) of the Office Action). Reconsideration of these rejections is requested for at least the following reasons.

The present claims are broadly directed to a woven, patterned glass fiber textile composed of a glass fiber warp yarn of a titer of 270 to 300 tex and a glass fiber weft yarn of a titer of 68 to 660 tex. It has been discovered by the Applicants that a woven glass fiber fabric can be manufactured with a patterned weave, preferably on a Jacquard loom, if the warp and weft yarns have a titer within the ranges recited in the present claims. This is quite surprising since the prior art has taught that woven, patterned glass fiber fabrics can only be produced on a pattern-controlled Jacquard loom if the warp yarn density is tightly controlled to be in the range of 130 to 150 tex, preferably 139 to 142 tex (see U.S. Patent No. 6,267,151; column 1, lines 20-30).

As acknowledged in the Office Action, Draxo '104 and Edlund '116 disclose woven glass fiber textiles having warp yarns with a titer in the range of 139 to 142 tex but do not disclose

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fabrics with a warp yarn having a titer of 270 to 300 tex as set forth in present claim 1. The Office Action relies on Stumpf '051 to supply a rationale for substantially increasing the titer of the warp yarns of the fabrics of Draxo '104 and Edlund '116.

Stumpf '051 has nothing to do with woven decorative fabrics but relate solely to laminated panels composed of a nonwoven fabric adhered to a backing material. The passages in Stumpf '051 referred to in the Office Action relate solely to the loft and other characteristics of nonwoven fabrics where individual fibers are bonded by adhesives. Nonwovens are completely different than the woven decorative glass fiber fabrics of Draxo '104 and Edlund '116 and those of ordinary skill seeking to improve the properties of the fabrics of Draxo '104 and Edlund '116 would not likely look to the art area of laminated panels containing nonwoven fabrics.

The Office Action argues that it would have been obvious, in the absence of unexpected results, to increase the titer of the warp yarn in the fabrics of Draxo '104 and Edlund '116 since, in effect, the titer is a result-effective variable. This argument is unsound for the following reasons: (1) in general, increasing the titer tends to increase the coarseness and stiffness of the yarn, i.e., the lower the titer, the finer and more flexible the fabric. There would have been no motivation to increase the stiffness and therefore reduce the fineness of the fabrics of Draxo '104 or Edlund '116 since the references are concerned with decorative fabrics which are flexible and have a decorative appeal to consumers; (2) as previously noted, Moll '151 teaches away from using warp yarn titers greater than 150 tex to obtain patterned woven fabrics; (3) in rejecting claims under 35 U.S.C. §103, the Examiner bears the initial burden of presenting a *prima facie* case of obviousness. In *re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992). Only if that burden is met, does the burden of coming forward with evidence or argument shift to the applicant. Since the Examiner has not established a *prima facie* case of

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obviousness for reasons presented above, Applicant does not have to provide evidence of unexpected results.

For at least these reasons, the §103(a) rejection of claims 1-10 should be withdrawn. Such action is earnestly solicited.

Claims 1-7, 9 and 10 were finally rejected under 35 U.S.C. §103(a) as obvious over anyone of Draxo '104 or Edlund '116 in view of U.S. Patent No. 5,292,578 (Kölzer) for the reasons outlined in paragraph (7) of the Official Action. Claim 8 was finally rejected under 35 U.S.C. §103(a) as obvious over any one of Draxo '104 or Edlund '116 in view of Kölzer '578 as applied to claims 1-7, 9 and 10 above, and further in view of Moll '151 for the reasons set forth in paragraph (8) of the Official Action. Reconsideration of the foregoing rejections is requested for at least the following reasons.

As stated above, neither Draxo '104 nor Edlund '116 disclose or suggest patterned woven glass fabrics having a warp yarn with a titer of 270 to 300 tex. Kölzer '578 is relied on for a disclosure of a woven fabric having a warp yarn of 34 to 1000 tex, specifically 272 tex.

Kölzer '578 is directed to the preparation of reinforced plastics containing a woven fabric as reinforcement, the fabric having expandable microspheres dispersed within the thread system of the fabric. When the microspheres are expanded by heating, the weft threads (covered) shrink slightly while the warp (covering) threads shrink substantially. Thus, the woven reinforcement fabrics used in Kölzer '578 are not decorative wallcoverings as in Draxo '104 and Edlund '116. In view of the significant differences between the decorative textiles of Draxo '104 and Edlund '116 and the reinforcement fabric of Kölzer '578, there would have been no motivation to significantly increase the titer of the warp yarn of the woven textiles of Draxo '104 and Edlund '116. Nor could one reasonably expect that such a modification would have been successful given the wide disparities in the properties of the respective fabrics.

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Since Kölzer '578 is directed to fiber reinforcement of plastics, the desirable characteristics of decorative textiles (e.g., patterns which appeal to consumers, flexibility, fineness, appearance, etc.) are not a consideration. A high titer may provide increased strength which is a desirable characteristic for reinforcement, but not necessarily a desirable characteristic for decorative woven fabrics.

Moreover, Moll '151 teaches away from preparing patterned, woven glass fiber fabrics using warp yarns with a titer greater than 150 tex. This has been discussed previously.

As noted above, a showing of unexpected results is not required when the rejection does not establish a *prima facie* case of obviousness.

For at least these reasons, the §103(a) rejection of claims 1-10 should be withdrawn. Such action is earnestly solicited.

From the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order and such action is earnestly solicited. If there are any questions concerning this paper or the application in general, the Examiner is invited to telephone the undersigned at (303) 978-3927) at his earliest convenience.

Respectfully submitted,

JOHNS MANVILLE

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By: Robert D. Touslee

Robert D. Touslee
Registration No. 34,032

P.O. Box 625005
Littleton, CO 80162
(303) 978-3927
Customer No. 29,602